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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,041	10/27/2000	Roberto Cappelletti	99CA24453248	7413

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EXAMINER

VO, DON NGUYEN

ART UNIT	PAPER NUMBER
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2631

15

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/699,041

Applicant(s)

CAPPELLETTI ET AL.

Examiner

DON N VO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-34 is/are allowed.
- 6) ☒ Claim(s) 7, 21 and 35-39 is/are rejected.
- 7) ☒ Claim(s) 8-20 and 40-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7, 21, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argyroudis (5,892,758; art of record) in view of Santore et al (5,615,211; art of record).

Regarding claims 7 and 35-39, Argyroudis, as shown in figure 2, teaches a data transceiver station comprising: a modem (226) to be connected to a electrical power line (228,230) for receiving digital data; a microprocessor (214) connected to said modem for receiving demodulated digital data therefrom; and an interface circuit (224) connected between said microprocessor and said modem. See also column 12, lines 14-60. Argyroudis fails to particularly teach the interface circuit (224) being capable of operating between the Packet Mode transmission or a Bit Mode transmission. However, Santore teaches communication system having interface being capable of operating between the Packet Mode transmission or a Bit Mode transmission. See figures 1 and 2 and column 5, line 46 to column 6, line 6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interface circuit (224) by employing the teaching of Santore so that the system of Argyroudis can support both Packet Mode transmission and Bit Mode transmission. Such modification would extend the operating capability of the system since it could operate in two modes.

Regarding claim 21, Argyroudis fails to particularly teach the modem (226) to provide the demodulated digital data based upon frequency shift keying demodulation. However, it is well known in the art of digital communication to have a modem to modulate or demodulate data using FSK technique. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the FSK modulation/demodulation technique for the modem (226, 234) of Argyroudis since it is just one type of digital communications.

#### ***Allowable Subject Matter***

5. Claims 22-34 are allowed over prior art of record.
6. Claims 8-20 and 40-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed on 7/3/03 have been fully considered but they are not persuasive.

Applicant traverses to the rejection by mainly arguing that Argyroudis teaches the switching function of the interface (224) is based on the signal received over both the twisted pair (232) and power line (228,230) whereas the present invention is

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based on only the power line. The examiner agrees. However, it also implies that the system of Argyroudis is capable of operating in different modes.

Moreover, Santore teaches the interface card 30d supporting the **Packet Mode communication** and the **Bit Mode communication** over the single communicating bus. Therefore, one of ordinary skill in the art would be able to modify or employ the teaching of Santore into the interface circuit (224) of Argyroudis so that the interface (224) can switch between the modes based on the signal received over the power line (228,230).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N VO whose telephone number is (703) 305-4885. The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DON N VO  
Primary Examiner  
Art Unit 2631